

## NOTICE OF FILING AND PUBLIC HEARING

D.T.E. 04-91

October 13, 2004

Petition of Boston Gas Company d/b/a KeySpan Energy Delivery New England, pursuant to G.L. c. 164, § 94A, for approval of a Firm Vapor Service Agreement between Boston Gas Company d/b/a KeySpan Energy Delivery New England and Distrigas of Massachusetts LLC to meet peak demand requirements of its firm customers.

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On October 5, 2004, Boston Gas Company d/b/a KeySpan Energy Delivery New England ("Boston Gas" or "Company") filed with the Department of Telecommunications and Energy ("Department") a Firm Vapor Service ("FVS") Agreement between Boston Gas and Distrigas of Massachusetts LLC ("DOMAC"). The Company asserts that the FVS Agreement is intended to replace the Boston Gas propane facility located in Everett, Massachusetts, which is no longer able to provide the reliable peaking service for which it was intended. The FVS Agreement covers a period in excess of one year and is therefore subject to the Department's jurisdiction under G.L. c. 164, § 94A. This case has been docketed as D.T.E. 04-91.

The Company states that the FVS Agreement is the result of a three-way transaction between Boston Gas, DOMAC and Prolerized New England Company. The three companies own adjoining properties in Everett, Massachusetts. Pursuant to the FVS Agreement, commencing November 1, 2004 through October 31, 2014, Boston Gas may purchase up to 20,600 MMBtu of vaporized LNG on a daily basis with a total annual contract quantity not to exceed 61,800 MMBtu. The rate for such service has been negotiated and consists of an annual call payment and a variable commodity charge.

The Department will conduct a public hearing to receive comments on the Company's filing, immediately followed by an evidentiary hearing. The hearing will take place on Wednesday, November 10, 2004, at 10:00 a.m. at the Department's offices, One South Station - 2<sup>nd</sup> Floor, Boston, MA 02110. Any person who desires to comment may do so at the public

hearing or submit written comments to the Department not later than the close of business (5:00 p.m.) on Tuesday, November 9, 2004.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business (5:00 p.m.) on Wednesday, November 3, 2004. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03, including a description of the manner in which the petitioner is substantially and specifically affected by this proceeding. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A late filed petition may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

An original and four (4) copies of all written comments or petitions to intervene must be filed with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station - 2<sup>nd</sup> Floor, Boston, MA 02110. One copy of all written comments and petitions to intervene should also be sent to counsel for KeySpan Energy Delivery, Thomas P. O'Neill, Esq., 52 Second Avenue, Waltham, Massachusetts, 02451.

All written comments also should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and [julie.westwater@state.ma.us](mailto:julie.westwater@state.ma.us), or (2) on a 3.5" disk. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 04-91), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document. The electronic filing also should include the name, title, and telephone number of a person to contact in the event of questions about the filing. Text responses should be created in either Corel Word Perfect, Microsoft Word, or as an Adobe-compatible PDF file. Data or spreadsheet responses should be compatible with Microsoft Excel. All comments submitted in electronic format will be posted on the Department's web site: <http://www.mass.gov/dte/>.

A copy of the Company's filing is available for inspection Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m., at the Department's offices at One South Station - 2<sup>nd</sup> Floor, Boston, MA, and at the offices of KeySpan Energy Delivery, 52 Second Avenue, Waltham, Massachusetts, 02451. A copy of the Company's petition is also available on the Department's web site: <http://www.mass.gov/dte/>.

ORDER OF NOTICE

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Boston Gas Company d/b/a KeySpan Energy Delivery New England ("Boston Gas") shall, no later than fourteen (14) days prior to November 10, 2004, give notice of said hearing by publication hereof in the Boston Globe or Boston Herald. Boston Gas is also required to serve a copy of the notice on the Mayor of the City of Everett. Boston Gas is required to make return of service and proof of publication at the time of the hearing.

By Order of the Department,

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Mary L. Cottrell, Secretary